

Effective 3/5/2021

20A-11-201 State office -- Separate bank account for campaign funds -- No personal use -- State office candidate reporting deadline -- Report other accounts -- Anonymous contributions.

- (1)
 - (a) Each state office candidate or the candidate's personal campaign committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution.
 - (b) A state office candidate or a candidate's personal campaign committee may not use money deposited in a campaign account for:
 - (i) a personal use expenditure; or
 - (ii) an expenditure prohibited by law.
 - (c) Each state officeholder or the state officeholder's personal campaign committee shall deposit each contribution and public service assistance received in one or more separate campaign accounts in a financial institution.
 - (d) A state officeholder or a state officeholder's personal campaign committee may not use money deposited in a campaign account for:
 - (i) a personal use expenditure; or
 - (ii) an expenditure prohibited by law.
- (2)
 - (a) A state office candidate or the candidate's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.
 - (b) A state officeholder or the state officeholder's personal campaign committee may not deposit or mingle any contributions or public service assistance received into a personal or business account.
- (3) If a person who is no longer a state office candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by Section 20A-11-205 are filed with the lieutenant governor.
- (4)
 - (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a state office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law.
 - (b) A person who is no longer a state office candidate may transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
- (5)
 - (a) As used in this Subsection (5), "received" means the same as that term is defined in Subsection 20A-11-204(1)(b).
 - (b) Each state office candidate shall report to the lieutenant governor each contribution received by the state office candidate:
 - (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which the contribution is received; or
 - (ii) within seven business days after the day on which the contribution is received, if:
 - (A) the state office candidate is contested in a convention and the contribution is received within 30 days before the day on which the convention is held;

- (B) the state office candidate is contested in a primary election and the contribution is received within 30 days before the day on which the primary election is held; or
- (C) the state office candidate is contested in a general election and the contribution is received within 30 days before the day on which the general election is held.
- (c) Except as provided in Subsection (5)(d), for each contribution that a state office candidate fails to report within the time period described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state office candidate in an amount equal to:
 - (i) 10% of the amount of the contribution, if the state office candidate reports the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends; or
 - (ii) 20% of the amount of the contribution, if the state office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends.
- (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue a warning to the state office candidate if:
 - (i) the contribution that the state office candidate fails to report is paid by the state office candidate from the state office candidate's personal funds;
 - (ii) the state office candidate has not previously violated Subsection (5)(c) in relation to a contribution paid by the state office candidate from the state office candidate's personal funds; and
 - (iii) the lieutenant governor determines that the failure to timely report the contribution is due to the state office candidate not understanding that the reporting requirement includes a contribution paid by a state office candidate from the state office candidate's personal funds.
- (e) The lieutenant governor shall:
 - (i) deposit money received under Subsection (5)(c) into the General Fund; and
 - (ii) report on the lieutenant governor's website, in the location where reports relating to each state office candidate are available for public access:
 - (A) each fine imposed by the lieutenant governor against the state office candidate;
 - (B) the amount of the fine;
 - (C) the amount of the contribution to which the fine relates; and
 - (D) the date of the contribution.
- (6)
 - (a) As used in this Subsection (6), "account" means an account in a financial institution:
 - (i) that is not described in Subsection (1)(a); and
 - (ii) into which or from which a person who, as a candidate for an office, other than the state office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a state office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
 - (b) A state office candidate shall include on any financial statement filed in accordance with this part:
 - (i) a contribution deposited in an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account; or
 - (ii) an expenditure made from an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account.
- (7) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse the amount of

the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Amended by Chapter 20, 2021 General Session